

SCHEDULES

SCHEDULE 10

Article 35

Deemed Marine Licences under the Marine and Coastal Access Act 2009 – Deemed Marine Licence 3

PART 1

Licensed marine activities

Interpretation

1.—(1) In this licence—

“the 2008 Act” means the Planning Act 2008;

“the 2009 Act” means the Marine and Coastal Access Act 2009;

“ancillary vessel” means any vessel other than a construction vessel or a survey vessel;

“ancillary works” means the ancillary works described in paragraph 2 of this Part of this licence which are not development within the meaning of section 32 of the 2008 Act;

“Annex I Habitat” means such habitat as defined under the EU Council [Directive 92/43/EEC](#) on the Conservation of Natural Habitats and of Wild Fauna and Flora;

“authorised deposits” means the substances and articles specified in paragraph 2(4) of Part 1 of this licence;

“authorised development” means the development described in Part 1 of Schedule 1 of the Order, which is development within the meaning of section 32 of the 2008 Act;

“authorised project” means the authorised development and the ancillary works authorised by the Order;

“authorised scheme” means Work No. 3 described in paragraph 2 of Part 1 of this licence;

“commence” means the first carrying out of any part of the licensed activities, save for pre-construction surveys and monitoring, and “commencement” shall be construed accordingly;

“construction vessel” means any vessel involved in the course of or used for the construction and/or maintenance of the authorised project;

“debris” means items or equipment of a significant size left on the seabed being lost from survey or construction vessels;

“electrical circuit” means a number of electrical conductors necessary to transmit electricity between two points within the authorised project; this comprises, in the case of HVAC transmission, three conductors which may be bundled as one cable, and, in the case of HVDC transmission two conductors, which may be attached together or take the form of single cables: the circuit may include one or more auxiliary cables (normally fibre optic cables) for the purpose of control, monitoring, protection or general communications;

“enforcement officer” means a person authorised to carry out enforcement duties under Part 4, Chapter 3 of the 2009 Act;

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“the Environmental Statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;

“gravity base foundation” means either—

- (a) a structure principally of concrete and/or steel which rests on the seabed due either to its own weight and that of added ballast or to the weight of water above it, and may include associated equipment including suction piles, J-tubes and access platforms; or
- (b) a structure principally of concrete and/or steel consisting of a platform supported on two pontoons to which the platform is connected by columns which may be connected by braces;

“HVAC” means high voltage alternating current;

“HVDC” means high voltage direct current;

“inter-array electrical circuits” means the circuits described in paragraph 2(2)(b) of Part 1 of this licence;

“jacket foundation” means a lattice construction comprising tubular members and joints which are fixed to the seabed with piles (either driven/drilled piles or suction piles) and which will include platforms and J-tubes and may include braced monopiles and a transition piece;

“the Kingfisher Fortnightly Bulletin” means the bulletin published by the Humber Seafood Institute or such other alternative publication approved in writing by the MMO;

“licensed activities” means the activities specified in Part 1 of this licence;

“the licence conditions” means the conditions set out in Part 2 of this licence;

“licence-holder” means Vi Aura Limited;

“maintain” includes, to the extent assessed in the environmental statement—

- (a) inspect, repair, adjust and alter; and
- (b) in respect of any of the ancillary works and any component part of any wind turbine generator, offshore accommodation platform, offshore HVAC collector substation, offshore HVDC converter station or offshore reactive compensation substation described in Part 1 of Schedule 1 (authorised development) of the Order also includes remove, reconstruct and replace,

but does not include the alteration, removal or replacement of foundations; and “maintenance” shall be construed accordingly;

“the Marine Management Organisation” or “MMO” means the body created under the 2009 Act which is responsible for the monitoring and enforcement of this licence or any successor to its statutory functions;

“the Maritime and Coastguard Agency” or “MCA” means the executive agency of the Department for Transport or any successor to its statutory functions;

“mean high water springs” or “MHWS” means the highest level which spring tides reach on average over a period of time;

“mean low water springs” or “MLWS” means the lowest level which spring tides reach on average over a period of time;

“monopile foundation” comprises a large diameter steel or concrete tube or pile driven vertically into the seabed, J-tubes and platforms and may include external structural devices such as bracing members or steel anchor wires and a transition piece;

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006 or any successor to its statutory functions;

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“Notice to Mariners” includes any Notice to Mariners which may be issued by Admiralty, Trinity House, Queen’s harbourmasters, government departments and harbour and pilotage authorities;

“offshore accommodation platform” means a platform housing or incorporating temporary accommodation, landing ports for vessels and/or helicopters, standby electricity generation equipment, marking and lighting and other equipment facilities to assist in the co-ordination of marine activities related to the authorised scheme;

“offshore HVAC collector substation” means a structure serving as a collection point for the inter-array electrical circuits and containing equipment with the purpose of transforming the electricity generated at the wind turbines to a higher voltage; it may also include a helicopter platform;

“offshore HVDC converter station” means a structure which contains equipment to convert HVAC electricity to HVDC electricity; it may also include a helicopter platform;

“the offshore works plans” means the part of the works plans described as the offshore works plans;

“the Order limits” means the limits shown on the works plans within which the authorised project may be carried out;

“the Order” means the Hornsea One Offshore Wind Farm Order 2014;

“the project description” means the document certified as the project description by the Secretary of State for the purposes of the Order and submitted with the application on 30th July 2013 (Chapter Three, Volume One of the Environmental Statement);

“suction pile” means a large diameter steel cylinder which is fixed to the base of the foundation and partially penetrates the seabed and remains in place using its weight and hydrostatic pressure differential;

“survey vessels” means the vessels licensed to carry out environmental or engineering surveys;

“Trinity House” means the Corporation of Trinity House of Deptford Strond;

“the UK Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset TA1 2DN or any replacement body or successor to its functions;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water and including ancillary vessels and construction vessels;

“VHF” means very high frequency;

“Wind Farm Area 1” means the area within the limits of deviation for Work No. 1 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“Wind Farm Area 2” means the area within the limits of deviation for Work No. 2 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“Wind Farm Area 3” means the area within the limits of deviation for Work No. 3 of which the co-ordinates are specified in Part 1 of Schedule 1 of the Order and shown on the works plans;

“wind turbine generator” or “wind turbine” means a structure comprising any or all of a tower, rotor, blades, nacelle and ancillary electrical and other equipment or structures which may include lighting and a helicopter platform, fixed to a foundation;

“working day” means any day other than a Saturday, Sunday or public holiday in England and Wales;

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“Work No. 1” means an offshore wind generating station within Wind Farm Area 1 and described as Work No. 1 in Part 1 of Schedule 1 of the Order;

“Work No. 2” means an offshore wind generating station within Wind Farm Area 2 and described as Work No. 2 in Part 1 of Schedule 1 of the Order;

“Work No. 3” means an offshore wind generating station within Wind Farm Area 3 and described as Work No. 3 in paragraph 2 of Part 1 of this licence;

“Work No. 4” means up to five offshore HVAC collector substations and, in the event that the mode of transmission is HVDC, up to two offshore HVDC converter stations together with a network of electrical circuits connecting the structures within Work No. 4;

“the works plans” means the plans certified as the works plans by the Secretary of State for the purposes of the Order divided into three parts and described as the offshore works plans, the intertidal works plans and the onshore works plans.

(2) A reference to any statute, order, regulation or similar instrument shall be construed as a reference to a statute, order, regulation or instrument as amended by any subsequent statute, order, regulation or instrument or as contained in any subsequent re-enactment.

(3) Unless otherwise indicated—

(a) all times shall be taken to be Greenwich Mean Time (GMT);

(b) all co-ordinates shall be taken to be latitude and longitude degrees, minutes and seconds to three decimal places in WGS84 Datum.

(4) Except where otherwise notified in writing by the relevant organisation, the primary point of contact with the organisations listed below and the address for returns and correspondence shall be—

(a) Marine Management Organisation

Marine Licensing Team

Lancaster House

Hampshire Court

Newcastle upon Tyne

NE4 7YH

Tel: 0300 123 1032

Email: marine.consents@marinemanagement.org.uk

(b) Marine Management Organisation (referred to as the “MMO Coastal Office”)

Estuary House

Wharnccliffe Road

Grimsby

Lincolnshire

DN31 3QL

Tel: 01472 355 112

(c) Trinity House

Tower Hill

London

EC3N 4DH

Tel: 020 7481 6900

(d) The United Kingdom Hydrographic Office

Admiralty Way

Taunton

Somerset

TA1 2DN

Tel: 01823 337 900

(e) Maritime and Coastguard Agency

Navigation Safety Branch

Bay 2/04

Spring Place

105 Commercial Road

Southampton

SO15 1EG

Tel: 023 8032 9191

(f) Centre for Environment, Fisheries and Aquaculture Science

Pakefield Road

Lowestoft

Suffolk

NR33 0HT

Tel: 01502 562 244

(g) Natural England

Foundry House

3 Millsands

Riverside Exchange

Sheffield

S3 8NH

Tel: 0300 060 4911

(h) Joint Nature Conservation Committee

Inverdee House

Baxter Street

Aberdeen

AB11 9QA

Tel: 01224 266 550

(i) English Heritage

Eastgate Court

195-205 High Street

Guildford

GU1 3EH

Tel: 01483 252 057

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Commencement Information

II (p01747) Sch. 10 Pt. 1 para. 1 in force at 31.12.2014, see [art. 1](#)

Details of licensed activities

2.—(1) This licence authorises the licence-holder (and any agent or contractor acting on their behalf) to carry out the following licensable marine activities pursuant to section 66(1) of the 2009 Act, subject to the licence conditions—

- (a) the deposit at sea of the substances and articles specified in sub-paragraph (4) below;
- (b) the construction of works in or over the sea and/or on or under the sea bed;
- (c) dredging;
- (d) the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation;
- (e) the disposal at disposal site reference HU206 (Hornsea Project One Subzone 1) of—
 - (i) in the event that an offshore accommodation platform is constructed under this licence up to 434,004 m³ of inert material of natural origin produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3; or
 - (ii) in the event that no offshore accommodation platform is constructed under this up to 414,762 m³ of inert material of natural origin produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3; and
- (f) the removal of the substances and articles specified in sub-paragraph (4) below.

(2) Such activities are authorised in relation to the construction, maintenance and operation of—
Work No. 3— An offshore wind generating station within Wind Farm Area 3, whose coordinates constitute the limits of deviation for Work No. 3 and are specified in Table 1, comprising—

- (a) up to 80 wind turbine generators fixed to the seabed;
- (b) a network of subsea inter-array electrical circuits connecting the structures comprised in Work No. 3—
 - (i) with each other;
 - (ii) with any other structure located within Wind Farm Area 3; and
 - (iii) (for the purpose of connecting any structure comprised in Work No. 3 with any structure comprised in Works Nos. 1, 2 and 4) with the network of electrical circuits comprised in Works Nos. 1, 2 and 4;
- (c) up to one offshore accommodation platform fixed to the seabed which may be connected to one of the offshore HVAC collector substations or offshore HVDC converter stations within Work No. 4 by an unsupported steel bridge, provided that the combined total of offshore accommodation platforms constructed in whole or in part within Works Nos. 1, 2 and 3 does not exceed two.

Table 1: Co-ordinates for Wind Farm Area 3 (limits of deviation for Work No.3)

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 55' 46.445" N	1° 47' 47.796" E
2	53° 56' 22.870" N	1° 51' 57.409" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
3	53° 55' 31.318" N	1° 52' 54.282" E
4	53° 55' 37.592" N	1° 53' 38.108" E
5	53° 55' 23.329" N	1° 55' 20.262" E
6	53° 55' 8.162" N	1° 56' 10.619" E
7	53° 55' 27.264" N	1° 58' 23.884" E
8	53° 55' 20.760" N	1° 58' 30.994" E
9	53° 49' 44.770" N	2° 4' 37.254" E
10	53° 49' 40.620" N	2° 4' 41.765" E
11	53° 49' 58.584" N	1° 59' 54.762" E
12	53° 49' 58.944" N	1° 58' 59.804" E
13	53° 50' 0.845" N	1° 53' 51.856" E
14	53° 50' 1.222" N	1° 53' 51.441" E
15	53° 55' 44.123" N	1° 47' 31.921" E

In connection with such Work No. 3, further associated development as may be necessary or expedient in connection with the authorised scheme within the Order limits and which fall within the scope of the environmental impact assessment recorded in the Environmental Statement;

In connection with such Work No. 3, ancillary works consisting of works and operations within the Order limits comprising temporary anchorage of vessels and buoys, beacons, fenders and other navigational warning or ship impact protection works.

(3) Work No. 3 may not be constructed, in whole or part, if either Works Nos. 1 or 2 are constructed so as to include more than 80 wind turbine generators.

(4) The substances or articles authorised for deposit at sea are—

- (a) iron and steel;
- (b) stone and rock;
- (c) concrete;
- (d) sand and gravel;
- (e) plastic and synthetic; and
- (f) material extracted from within Wind Farm Area 3 during construction drilling and seabed preparation for foundation works.

(5) The grid co-ordinates for disposal site reference HU206 (Hornsea Project One Subzone 1) are specified in Table 2.

Table 2: Co-ordinates for disposal site HU206

<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
1	53° 58' 42.179" N	1° 44' 31.880" E
2	53° 55' 46.445" N	1° 47' 47.796" E
3	53° 56' 22.870" N	1° 51' 57.409" E

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<i>Point</i>	<i>Latitude</i>	<i>Longitude</i>
4	53° 55' 31.318" N	1° 52' 54.282" E
5	53° 55' 37.592" N	1° 53' 38.108" E
6	53° 55' 23.329" N	1° 55' 20.262" E
7	53° 55' 8.162" N	1° 56' 10.619" E
8	53° 55' 35.429" N	1° 59' 20.944" E
9	53° 55' 2.525" N	1° 59' 45.776" E
10	53° 55' 22.663" N	2° 2' 14.219" E
11	53° 56' 16.303" N	2° 1' 15.269" E
12	53° 56' 46.586" N	2° 5' 4.031" E
13	53° 57' 12.481" N	2° 4' 32.376" E
14	53° 57' 24.509" N	2° 6' 6.700" E
15	53° 50' 10.018" N	2° 13' 57.158" E
16	53° 49' 14.297" N	2° 11' 36.820" E
17	53° 49' 58.584" N	1° 59' 54.762" E
18	53° 49' 58.944" N	1° 58' 59.804" E
19	53° 50' 5.118" N	1° 38' 58.430" E
20	53° 55' 9.293" N	1° 39' 52.024" E
21	53° 56' 3.228" N	1° 41' 0.143" E
22	53° 56' 29.670" N	1° 43' 45.592" E
23	53° 58' 17.828" N	1° 41' 46.795" E

(6) The provisions of section 72 of the 2009 Act shall apply to this licence, save that the provisions of section 72(7) and 72(8) relating to the transfer of the licence shall only apply to a transfer not falling within article 34 of the Order.

Commencement Information

I2 (p01747) Sch. 10 Pt. 1 para. 2 in force at 31.12.2014, see [art. 1](#)

Duration

3. This licence shall remain in force until the authorised scheme has been decommissioned in accordance with a programme approved by the Secretary of State under section 106 of the Energy Act 2004, including any modification to the programme under section 108, and the completion of such programme has been confirmed by the Secretary of State in writing.

Commencement Information

I3 (p01747) Sch. 10 Pt. 1 para. 3 in force at 31.12.2014, see [art. 1](#)

PART 2

Licence conditions

Design parameters

- 1.—(1) All wind turbine generators forming part of Work No. 3 must not—
- (a) be less than 82 metres to the turbine hub when measured from MHWS;
 - (b) exceed a height of 200 metres from MHWS to the upper tip of the vertical blade;
 - (c) exceed a rotor diameter of 178 metres;
 - (d) be less than 22 metres from MHWS to the lowest point of the rotating blade; or
 - (e) be less than 924 metres from the nearest wind turbine generator in all directions.
- (2) References to the location of a wind turbine generator are references to the centre point of the turbine.

Commencement Information

I4 (p01747) Sch. 10 Pt. 2 para. 1 in force at 31.12.2014, see [art. 1](#)

2. Any offshore accommodation platform forming part of Work No. 3 must not—
- (a) exceed 60 metres in height above MHWS;
 - (b) have a platform which at its greatest extent exceeds, 3,600 m² or 60 metres in width.

Commencement Information

I5 (p01747) Sch. 10 Pt. 2 para. 2 in force at 31.12.2014, see [art. 1](#)

3. The diameter of the electrical circuits comprising the electrical circuits within Work No. 3 must not exceed 170 mm.

Commencement Information

I6 (p01747) Sch. 10 Pt. 2 para. 3 in force at 31.12.2014, see [art. 1](#)

4. The electrical circuits comprised in Work No. 3 must be installed by use of, or a combination of, ploughing, trenching, jetting, rock-cutting, dredging, surface laying with post lay burial, and where ground conditions make burial impracticable, by surface laying.

Commencement Information

I7 Sch. 10 para. 4 in force at 31.12.2014, see [art. 1](#)

- 5.—(1) The licence-holder must in fixing to the seabed any structures comprised in Work No. 3 use one of the following methods—
- (a) monopile foundations;
 - (b) jacket foundations supported by piles; or
 - (c) gravity base foundations.

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(2) The following parameters apply in respect of the foundation methods used to fix wind turbine generators comprised in Work No. 3 to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,419 m²;
 - (ii) the diameter of each foundation must not exceed 8.5 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 707 m² per wind turbine;
 - (ii) the number of piles per jacket must not exceed four;
 - (iii) the diameter of each pile must not exceed three metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the number of piles per jacket must not exceed four;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the seabed levelling diameter must not exceed 70 metres;
 - (iii) the cone diameter must not exceed 50 metres at its base.

(3) The following parameters apply in respect of the foundation methods used to fix any offshore accommodation platform comprised in Work No. 3 to the seabed—

- (a) where monopile foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,419 m²;
 - (ii) the diameter of each foundation must not exceed 8.5 metres;
- (b) where jacket foundations (driven/drilled piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 1,414 m²;
 - (ii) the number of piles must not exceed eight;
 - (iii) the diameter of each pile must not exceed three metres;
- (c) where jacket foundations (suction piles) are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the number of piles per jacket must not exceed eight;
 - (iii) the diameter of each pile must not exceed 15 metres;
- (d) where gravity base foundations are used—
 - (i) the area occupied by the foundations and the scour protection for each individual structure must not exceed 6,362 m²;
 - (ii) the seabed levelling diameter must not exceed 70 metres;

(iii) the cone diameter must not exceed 50 metres at its base.

(4) The combined total volume of scour protection for the wind turbine generators and the offshore accommodation platform forming part of Work No. 3 must not exceed 1,079,839 m³.

(5) In the event that no offshore accommodation platform is constructed under this licence, the combined total volume of scour protection for the wind turbine generators forming part of Work No. 3 must not exceed 1,066,508 m³.

Commencement Information

I8 Sch. 10 para. 5 in force at 31.12.2014, see [art. 1](#)

Commencement Information

I4 (p01747) Sch. 10 Pt. 2 para. 1 in force at 31.12.2014, see [art. 1](#)

I5 (p01747) Sch. 10 Pt. 2 para. 2 in force at 31.12.2014, see [art. 1](#)

I6 (p01747) Sch. 10 Pt. 2 para. 3 in force at 31.12.2014, see [art. 1](#)

I7 Sch. 10 para. 4 in force at 31.12.2014, see [art. 1](#)

I8 Sch. 10 para. 5 in force at 31.12.2014, see [art. 1](#)

Notifications and inspections

6.—(1) The licence-holder shall ensure that—

(a) a copy of this licence and any subsequent amendments or revisions to it are provided to—

(i) all agents and contractors notified to the MMO in accordance with the conditions of this licence; and

(ii) the masters and transport managers responsible for the vehicles notified to the MMO in accordance with the conditions of this licence.

(b) Within 28 days of receipt of a copy of this licence those persons referred to in subparagraph (a) shall provide a completed confirmation form to the MMO confirming their understanding of the terms and conditions of this licence.

(2) Only those persons and vessels notified to the MMO in accordance with condition 16 are permitted to carry out the licensed activities.

(3) Copies of this licence shall also be available for inspection at the following locations—

(a) the licence-holder's registered address;

(b) any site office located at or adjacent to the construction site and used by the licence-holder or its agents and contractors responsible for the loading, transportation or deposit for the authorised deposits; and

(c) on board each vessel or at the office of any transport manager with responsibility for vessels from which authorised deposits are to be made.

(4) The documents referred to in paragraph (1)(a) shall be available for inspection by an enforcement officer at the locations set out in paragraph (3) above at any time.

(5) The licence-holder must provide access, and if necessary appropriate transportation, to the offshore construction site or any other associated works or vessels to facilitate any inspection that the MMO considers necessary to inspect the works during construction and operation of the authorised scheme.

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(6) The licence-holder must inform the MMO in writing at least five working days prior to the commencement of the licensed activities or any phase of them.

(7) Prior to the commencement of the licensed activities the licence-holder must publish in the Kingfisher Fortnightly Bulletin details of the vessel routes, timings and locations relating to the construction of the authorised scheme.

(8) The licence-holder shall ensure that a Notice to Mariners is issued at least ten days prior to the commencement of the licensed activities advising of the commencement of licensed activities within Wind Farm Area 3 and the expected vessel routes from the local service ports to the turbine locations.

(9) The Notices to Mariners must be updated and reissued not less frequently than weekly and supplemented with VHF radio broadcasts agreed with the MCA in accordance with the construction and monitoring programme approved under licence condition 13(2)(a). Copies of all notices shall be provided to the MMO.

(10) The licence-holder must notify—

- (a) the UK Hydrographic Office of commencement (within two weeks), progress and completion (within two weeks) of the authorised scheme in order that all necessary amendments to nautical charts are made; and
- (b) the MMO once the authorised scheme is completed and any required lighting or marking has been established.

Commencement Information

I9 Sch. 10 para. 6 in force at 31.12.2014, see [art. 1](#)

Aids to navigation

7. The licence-holder must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning—

- (a) exhibit such lights, marks, sounds, signals and other aids to navigation and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct;
- (b) colour all structures in the authorised scheme as directed by Trinity House;
- (c) notify Trinity House as soon as reasonably practicable of both the progress and completion of the authorised scheme (or any phase of it) and any aids to navigation established from time to time;
- (d) provide reports on the working condition of aids to navigation periodically as requested by Trinity House;
- (e) notify Trinity House and the MMO of any failure of the aids to navigation and the timescales in which such failure will be remedied, as soon as possible and no later than 24 hours following the licence-holder becoming aware of any such failure.

Commencement Information

I10 Sch. 10 para. 7 in force at 31.12.2014, see [art. 1](#)

Provision against danger to navigation

8. In case of injury to, or destruction or decay of, the authorised scheme or any part of it seaward of MHWS the licence-holder must as soon as reasonably practicable, and no later than 24 hours

following the licence-holder becoming aware of any such injury, destruction or decay, notify Trinity House and must lay down such buoys, exhibit such lights and take such other steps for the prevention of danger to navigation as Trinity House may from time to time direct.

Commencement Information

I11 Sch. 10 para. 8 in force at 31.12.2014, see [art. 1](#)

Navigational Practice, Safety and Emergency Response

9.—(1) No part of the authorised scheme seaward of MHWS is to commence until the Secretary of State, in consultation with the MCA, has given written approval for an Emergency Response and Co-operation Plan which includes full details of the emergency co-operation plans for the construction, operation and decommissioning phases of that part of the authorised scheme in accordance with the MCA recommendations contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues”.

(2) No authorised scheme seaward of MHWS is to commence until the Secretary of State, in consultation with the MCA, has confirmed in writing that the licence-holder has taken into account and, so far as is applicable to that stage of the development, adequately addressed all MCA recommendations as appropriate to the authorised scheme contained within MGN 371 “Offshore Renewable Energy Installations (OREIs) – Guidance on UK Navigational Practice, Safety and Emergency Response Issues” (including its annexes).

(3) The Emergency Response and Co-operation Plan must be implemented as approved, unless otherwise agreed in writing by the Secretary of State, in consultation with the MCA.

(4) The licence-holder must during the whole period from the start of construction of the authorised scheme seaward of MHWS to the completion of decommissioning provide relevant information to the MCA to assist in the timely and efficient issuing of notices to mariners and other navigational warnings of the position and nature of the works, such information to be provided to mariners in the shipping and fishing industry as well as to recreational mariners.

Commencement Information

I12 Sch. 10 para. 9 in force at 31.12.2014, see [art. 1](#)

Colour and lighting

10. Except as otherwise required by Trinity House under condition 7, the licence-holder must colour all structures comprised in Work No. 3 submarine grey (colour code RAL 7035).

Commencement Information

I13 Sch. 10 para. 10 in force at 31.12.2014, see [art. 1](#)

Chemicals, drilling and debris

11.—(1) All chemicals used in the construction of the authorised scheme shall be selected from the List of Notified Chemicals approved for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (as amended), unless otherwise agreed in writing by the MMO.

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(2) The licence-holder shall ensure that any coatings or treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by Health and Safety Executive or the Environment Agency Pollution Prevention Guidelines.

(3) The storage, handling, transport and use of fuels, lubricants, chemicals and other substances shall be undertaken so as to prevent releases into the marine environment including bunding of 110 per cent of the total volume of all reservoirs and containers.

(4) Where foundation drilling works are proposed, in the event that any system other than water based mud is proposed the MMO's written approval in relation to the proposed disposal of any arisings shall be obtained before the drilling commences, which disposal may also require a marine licence.

(5) The licence-holder shall ensure that any debris arising from the construction of the authorised scheme or temporary works placed below MHWS are removed on completion of the authorised scheme, where practicable.

(6) Prior to the commencement of the licensed activities the licence-holder must submit to the MMO an audit sheet covering all aspects of the construction of the authorised scheme and no works shall commence until the audit sheet content has been agreed with the MMO. The audit sheet shall include details of—

- (a) loading facilities;
- (b) vessels;
- (c) equipment;
- (d) shipment routes;
- (e) working schedules; and
- (f) all components and materials to be used in the construction of the authorised scheme.

(7) The audit sheet shall be maintained throughout the construction of the authorised scheme and the MMO shall be notified of any changes on a fortnightly basis.

(8) In the event that the MMO becomes aware that any of the materials on the audit sheet cannot be accounted for it shall require the licence-holder to carry out a side scan sonar survey to plot all obstructions across Wind Farm Area 3 where construction works and related activities have been carried out under this licence. Local fishermen shall be invited to send a representative to be present during the survey. Any new obstructions that the MMO believes to be associated with the authorised scheme shall be removed at the licence-holder's expense, where practicable.

(9) The licence-holder shall inform the MMO of the location and quantities of inert material disposed of each month under this licence, by submission of a disposal return by 31st January each year for disposals occurring during the months July to December inclusive of the preceding year, and by 31st July each year for disposals occurring during the months January to June inclusive of that year.

(10) The licence-holder shall ensure that only inert material of natural origin, produced during construction drilling and seabed preparation for foundation works comprised in Work No. 3, and drilling mud shall be disposed of at disposal site reference HU206 (Hornsea Project One Subzone 1).

(11) The licence-holder shall ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete, cement mixing and washing areas should be contained to prevent run-off entering the water through the freeing ports.

(12) The licence-holder shall ensure that any rock material used in the construction of the authorised scheme is from a recognised source, free from contaminants and containing minimal fines.

Commencement Information

I14 Sch. 10 para. 11 in force at 31.12.2014, see [art. 1](#)

Force majeure

12. If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit—

- (a) authorised deposits outside of Wind Farm Area 3 or disposal site reference HU206 (Hornsea Project One Subzone 1); or
- (b) unauthorised deposits within or outside of Wind Farm Area 3 or disposal site reference HU206 (Hornsea Project One Subzone 1),

because the safety of human life and/or of the vessel is threatened, full details of the circumstances of the deposit shall be notified to the MMO within 48 hours.

Commencement Information

I15 Sch. 10 para. 12 in force at 31.12.2014, see [art. 1](#)

Pre-construction plans and documentation

13.—(1) The licensed activities shall not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO—

- (a) to ensure conformity with the description of Work No. 3 and compliance with licence conditions 1 to 5 above, a plan, to be agreed in writing with the MMO in consultation with Trinity House and the MCA, which shows—
 - (i) the proposed location and choice of foundation of all wind turbine generators and any offshore accommodation platform, subject to any micro-siting required due to anthropological constraints, environmental constraints, difficult ground conditions or to give adequate spacing between other infrastructure;
 - (ii) the proposed location and height of bridge links;
 - (iii) the height to the tip of the vertical blade, height to the centreline of the generator shaft forming part of the hub, rotor diameter and spacing of all wind turbine generators;
 - (iv) whether an accommodation platform will be built as part of Work No.3 and, if so, the height, length and width of that offshore accommodation platform;
 - (v) the length and arrangement of all electrical circuits comprising Work No. 3 subject to any micro-siting required due to anthropological constraints, environmental constraints or difficult ground conditions;
 - (vi) the proposed dimensions of all monopile foundations;
 - (vii) the proposed dimensions of all gravity base foundations;
 - (viii) the proposed dimensions of all jacket foundations; and
 - (ix) the proposed layout of all wind turbine generators and any offshore accommodation platform including all exclusion zones comprised in the licensed activities and showing the indicative programming of particular works as set out in the indicative programme to be provided under paragraph (2)(a).

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(2) The licensed activities, or any phase of those activities, shall not commence until a Code of Construction Practice incorporating the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO—

- (a) a construction and monitoring programme to include details of—
 - (i) the proposed construction start date;
 - (ii) proposed timings for mobilisation of plant, delivery of materials and installation works; and
 - (iii) proposed pre-construction surveys, baseline report format and content, construction monitoring, post construction monitoring and related reporting in accordance with licence conditions 18 to 20. The pre-construction survey programme and all pre-construction survey methodologies shall be submitted to the MMO at least four months prior to the commencement of any survey works detailed within;
- (b) a construction method statement in accordance with the project description and Environmental Statement and including details of—
 - (i) foundation installation, including any seabed preparation, drilling and disposal of arisings methods;
 - (ii) turbine installation, including any seabed preparation and scour protection;
 - (iii) installation of any offshore accommodation platform, including any seabed preparation and scour protection;
 - (iv) circuit installation, including any seabed preparation and circuit protection;
 - (v) contractors;
 - (vi) vessels; and
 - (vii) associated works;
- (c) a project environmental management and monitoring plan to include details of—
 - (i) a marine pollution contingency plan to address the risks, methods and procedures to deal with any spills and collision incidents during construction and operation of the authorised scheme in relation to all activities carried out below MHWS;
 - (ii) a chemical risk analysis to include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance;
 - (iii) waste management and disposal arrangements;
 - (iv) offshore project maintenance plans including offshore electrical circuit maintenance;
 - (v) locations of any archaeological exclusion zones agreed as part of the written scheme of archaeological investigation approved under sub-paragraph (g);
 - (vi) the appointment and responsibilities of a fisheries liaison officer and an environmental liaison officer; and
 - (vii) a disposal plan detailing the locations, methods and timings of dredging and disposal, as well as disposal site monitoring requirements;
- (d) a scour protection management and cable armouring plan providing details of the need, type, sources, quantity, location and installation methods for scour protection and cable armouring to be within the scope of the environmental impact assessment recorded in the Environmental Statement;
- (e) in the event that driven or part-driven pile foundations are proposed to be used, a marine mammal mitigation protocol following current best practice as advised by the statutory nature conservation agencies, to include, but not be limited to—

- (i) identification of a Marine Mammal Monitoring Zone (MMMZ);
- (ii) appointment of an appropriate number of suitably qualified marine mammal observer(s);
- (iii) methods for the detection of marine mammals within the MMMZ whether visually (by the marine mammal observer(s)) or acoustically using Passive Acoustic Monitoring equipment or other means of detection;
- (iv) a reporting methodology to enable efficient communication between the marine mammal observer(s) and the person responsible for approving commencement of piling;
- (v) an appropriate soft start procedure whereby piling activities do not commence until an agreed time has elapsed and during which marine mammals have not been detected within the MMMZ; and
- (vi) where appropriate, methods for the application of acoustic deterrent devices;
- (f) cable specification and installation plan, to include—
 - (i) technical specification of offshore electrical circuits, including a desk-based assessment of attenuation of electro-magnetic field strengths, shielding and cable burial depth in accordance with industry good practice; and
 - (ii) a detailed cable laying plan, including geotechnical data, cable laying techniques and a cable burial risk assessment encompassing the identification of any cable protection which exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA) to be taken to ensure existing and future safe navigation is not compromised;
- (g) a written scheme of archaeological investigation in relation to Wind Farm Area 3 in accordance with industry good practice to include—
 - (i) details of responsibilities of the licence-holder, archaeological consultant and contractor;
 - (ii) a methodology for any further site investigation including any specifications for geophysical, geotechnical and diver or remotely operated vehicle investigations;
 - (iii) analysis and reporting of survey data to be submitted to the MMO within four months of survey completion;
 - (iv) delivery of any mitigation including, where necessary, archaeological exclusion zones;
 - (v) monitoring during and post construction, including a conservation programme for finds;
 - (vi) archiving of archaeological material; and
 - (vii) a reporting and recording protocol, including reporting of any wreck or wreck material during construction, operation and decommissioning of the authorised scheme;
- (h) a marine mammal monitoring plan setting out the circumstances in which marine mammal monitoring will be required and the monitoring to be carried out in such circumstances; and
- (i) an offshore project maintenance plan to be submitted to the MMO at least four months prior to commencement of the operation of the licensed activities and to include provision for the review and resubmission of the plan every three years during the operational phase.

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(3) Prior to the submission of the pre-construction plans and documentation required by this condition the licence-holder must provide a copy of the plans and documentation to the other undertakers listed in Article 3 of the Order.

(4) The other undertakers must provide any comments on the plans and documentation to the licence-holder within 14 days of receipt of the plans and documentation.

(5) The licence-holder shall participate in liaison meetings with other undertakers listed in Article 3 of the Order as requested from time to time by the MMO in writing in advance, which meetings shall be chaired by the MMO and shall consider such matters as are determined by the MMO relating to the efficient operation of a deemed marine licence where it has an impact on the efficient operation of any other deemed marine licence issued under the Order (including as varied or transferred).

(6) Prior to giving its approval under paragraph (2), the MMO must—

- (a) in relation to any programme, statement, plan or protocol submitted under sub-paragraphs (a) to (e) or (h), consult with the relevant statutory nature conservation body;
- (b) in relation to a scheme submitted under sub-paragraph (g), consult with English Heritage.

Commencement Information

I16 Sch. 10 para. 13 in force at 31.12.2014, see [art. 1](#)

14. The licence-holder shall ensure that a copy of any agreed archaeological report is deposited with the National Record of the Historic Environment, by submitting an English Heritage OASIS form with a digital copy of the report.

Commencement Information

I17 Sch. 10 para. 14 in force at 31.12.2014, see [art. 1](#)

15.—(1) Each programme, statement, plan, protocol or scheme required to be approved under condition 13—

- (a) shall be submitted for approval at least four months prior to the intended start of construction, except where otherwise stated or where an alternative date is agreed in writing by the MMO; and
- (b) shall be accompanied by—
 - (i) a statement confirming that the licence-holder has complied with condition 13(3) in relation to such programme, statement, plan, protocol or scheme; and
 - (ii) any comments received by the licence-holder under condition 13(4), or a statement from the licence-holder confirming that no such comments were received.

(2) The licence-holder shall comply with all documents approved under licence condition 13 in carrying out the licensed activities except to the extent agreed in writing by the MMO.

(3) Prior to agreeing an alternative date under paragraph (1)(a) or a change to approved details under paragraph (2) relating to any document in respect of which consultation is required under condition 13(6), the MMO must consult with the relevant consultation body referred to in that condition.

Commencement Information

I18 Sch. 10 para. 15 in force at 31.12.2014, see [art. 1](#)

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Commencement Information

I16 Sch. 10 para. 13 in force at 31.12.2014, see [art. 1](#)

I17 Sch. 10 para. 14 in force at 31.12.2014, see [art. 1](#)

I18 Sch. 10 para. 15 in force at 31.12.2014, see [art. 1](#)

Reporting of engaged agents, contractors and vessels

16.—(1) The licence-holder shall provide the following information to the MMO—

- (a) the name and function of any agent or contractor appointed to engage in the licensed activities at least five working days prior to the commencement of the licensed activities or any part of them; and
- (b) each week during the construction of the authorised scheme, a completed Hydrographic Note H102 listing the construction vessels currently and to be used in relation to the licensed activities.

(2) Any changes to the supplied details must be notified to the MMO and MMO Coastal Office in writing prior to the agent, contractor or vessel engaging in the licensed activities. All agents, contractors and/or vessel operators will abide by the conditions set out in this licence.

Commencement Information

I19 Sch. 10 para. 16 in force at 31.12.2014, see [art. 1](#)

Equipment and Operation of Vessels Engaged in Licensed Activities

17.—(1) All vessels employed to perform the licensed activities shall be constructed and equipped to be capable of the proper performance of such activities in accordance with the conditions of this licence and shall comply with paragraphs (2) to (6).

(2) All motor powered vehicles must be fitted with—

- (a) electronic positioning aid to provide navigational data;
- (b) radar;
- (c) echo sounder; and
- (d) multi-channel VHF.

(3) No radio beacon or radar beacon operating on the marine frequency bands shall be installed or used without the prior written approval of the Secretary of State.

(4) All vessels' names or identification shall be clearly marked on the hull or superstructure of the vessel.

(5) All communication on VHF working frequencies shall be in English.

(6) No vessel shall engage in the licensed activities until all the equipment specified in paragraph (2) is fully operational.

Commencement Information

I20 Sch. 10 para. 17 in force at 31.12.2014, see [art. 1](#)

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Pre-construction monitoring and surveys

- 18.**—(1) The licence-holder must, when submitting details under condition 13(2)(a)—
- (a) in relation to the proposed pre-construction surveys, include methodologies and timings, and specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the Environmental Statement; and
 - (b) in relation to the baseline report proposals shall ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the pre-construction position, with any limitations, and shall make clear what post-construction comparison is intended and the justification for this being required.
- (2) Subject to receipt from the licence-holder of specific proposals pursuant to this condition, it is expected that the pre-construction surveys will comprise, in outline—
- (a) a high resolution swath bathymetric survey to include a 100% coverage and a side scan sonar survey of the part(s) of Wind Farm Area 3 in which it is proposed to carry out construction works and disposal activities under this licence, including a 500m buffer around the site of each works;
 - (b) a survey of existing ornithological activity covering the part(s) of Wind Farm Area 3 within which it is proposed to carry out construction works under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;
 - (c) a survey to determine the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance in the part(s) of Wind Farm Area 3 in which it is proposed to carry out construction works under this licence; and
 - (d) any marine mammal monitoring required by the marine mammal monitoring plan submitted in accordance with condition 13(2)(h).

Commencement Information

I21 Sch. 10 para. 18 in force at 31.12.2014, see [art. 1](#)

Construction monitoring

- 19.**—(1) The licence-holder must, when submitting details of proposed construction monitoring under condition 13(2)(a), include methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the Environmental Statement.
- (2) Subject to receipt from the licence-holder of specific proposals pursuant to this condition, it is expected that the construction monitoring will comprise, in outline—
- (a) except to the extent agreed in writing by the MMO, measurements of noise generated by the installation of the first four foundations of each discrete foundation type to be constructed under this licence where driven or part-driven pile foundations are used; and
 - (b) recording of any visual sightings or acoustic detection of marine mammals where required as part of the marine mammal mitigation protocol under condition [13\(2\)\(e\)](#).
- (3) The results of the initial noise measurements monitored in accordance with paragraph (2)(a) must be provided to the MMO within six weeks of the installation of the first four foundations of

each discrete foundation type. The assessment of this report by the MMO shall determine whether any further noise monitoring is required.

(4) Construction monitoring shall include vessel traffic monitoring by Automatic Identification System for the duration of the construction period. A report will be submitted to the MMO and the MCA at the end of each year of the construction period.

Commencement Information

I22 Sch. 10 para. 19 in force at 31.12.2014, see [art. 1](#)

Post construction

20.—(1) The licence-holder must, when submitting details of proposed post-construction surveys under condition 13(2)(a), include methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals shall specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the Environmental Statement.

(2) Subject to receipt of specific proposals, it is expected that the post-construction surveys will comprise, in outline—

- (a) an ornithological survey covering the part(s) of Wind Farm Area 3 within which construction works were carried out under this licence, and any wider area(s) where appropriate, which is required to test predictions in the Environmental Statement concerning key ornithological interests of relevance to the authorised scheme;
- (b) a high resolution swath bathymetric survey of the following to assess any changes in bedform morphology—
 - (i) a representative sample area, to be agreed in writing with the MMO, of the part(s) of Wind Farm Area 3 within which construction works and disposal activities were carried out under this licence, and such further monitoring as may be required to ensure that the cables have been buried or protected; and
 - (ii) an area not to exceed 125 per cent of the predicted scour area around a selection of turbines, such selection to be based on the desk based assessment;
- (c) a survey to determine any change in the location, extent and composition of any benthic habitats of conservation, ecological and/or economic importance identified in the pre-construction survey in the part(s) of Wind Farm Area 3 in which construction works were carried out. The survey design will be informed by the results of the pre-construction benthic survey;
- (d) vessel traffic monitoring by Automatic Identification System, for 28 days taking account seasonal variations in traffic patterns, for a maximum duration of one year post construction. A report will be submitted to the MMO and the MCA at the end of the first year after construction is completed; and
- (e) any marine mammal monitoring required by the marine mammal monitoring plan submitted in accordance with condition 13(2)(h).

(3) Prior to carrying out the survey required under paragraph (2)(b), the licence-holder must submit to the MMO for written approval a desk based assessment (which takes account of all factors which influence scour) identifying the turbines with greatest potential for scour. The survey will be used to validate the desk based assessment and the significance of any differences between the predicted scour and recorded scour will be assessed in the survey report which will be submitted

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to the MMO. The need for further surveys will be agreed in writing with the MMO following submission of the first year of survey data.

Commencement Information

I23 Sch. 10 para. 20 in force at 31.12.2014, see [art. 1](#)

Amendments to details

21.—(1) With respect to any condition of this licence which requires the licensed activities to be carried out in accordance with the plans and programmes approved by the MMO, the approved plans and programmes shall be taken to include any amendments that may subsequently be approved in writing by the MMO.

(2) Where the words ‘except to the extent agreed in writing by the MMO’ appear in these licence conditions, any such agreement or statement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the Environmental Statement.

Commencement Information

I24 Sch. 10 para. 21 in force at 31.12.2014, see [art. 1](#)

Offshore Decommissioning

22. No decommissioning activities shall commence until plans for the carrying out of such activities have been submitted to and approved in writing by the MMO.

Commencement Information

I25 Sch. 10 para. 22 in force at 31.12.2014, see [art. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

- Order modified by [S.I. 2016/471 art. 4Sch.](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(6) inserted by [S.I. 2015/1280 Sch.](#)